



# Kent County

## Department of Planning Services Division of Planning

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### STAFF RECOMMENDATION REPORT April 20, 2017

**APPLICATION:** A-17-17

**APPLICANT/OWNER:** Keith Mumford  
3634 S. Little Creek Road  
Dover, DE 19901

**PROPERTY LOCATION:** 3634 S. Little Creek Rd., Dover, DE 19901

**NATURE OF REQUEST:**

**A-17-17 Keith Mumford** seeks a variance from the maximum impervious surface coverage of 20% to enable an accessory structure (**Sect. 205-51 of the Kent County Code**). The property is located on the southeast side of S. Little Creek Rd. (Co. Rd. 67), approx. 577' southwest of Bayside Dr. (DE Rt. 9), south of Little Creek. Levy Court District: 3rd. Zoning District: AC. Tax Map No.: **ED-00-078.02-01-04.00-000**

The applicant is requesting the variance to legalize the existing impervious surface coverage of 4,288 sq. ft. (21%) and to further increase the legal amount to 4,808 sq. ft. (23%) to allow for the construction of a detached 20' x 26' garage.

#### I. STAFF RECOMMENDATION:

The staff has reviewed the information presented by the applicant and recommends that the Board strongly consider all public testimony in making their decision. The staff recommends **APPROVAL** of the variance request based on the analysis of the four criteria from the applicant and staff as follows:

#### II. RESPONSE TO CRITERIA:

##### 1. The nature of the zone where the property lies.

Applicant Response:

Residential building that is within the guidelines of the zone.

Staff Response:

As shown on Exhibit A, the subject site is zoned AC (Agricultural Conservation District). Surrounding properties lie within the AC zoning district. Detached garages are within the nature of the AC zoning district.

**2. The character and uses of the immediate vicinity.**

Applicant Response:

What I am proposing is completely in line with what the surrounding properties already have on the property. I have several neighbors who have exceeded the 20% guideline.

Staff Response:

The character of the surrounding area is residential and agricultural in nature. There are a variety of styles of single-family dwellings within the surrounding area, with undeveloped farmland and watershed areas further removed. The subject parcel does appear to be of similar size and area with other parcels in the surrounding area, although many of these parcels do not meet the one acre minimum requirement for today's Code. Additionally, it does appear that many properties within the immediate vicinity have detached accessory structures, many of which are similar to the proposed.

**3. Whether removal of the restriction on the applicant's property would seriously affect the neighboring properties.**

Applicant Response:

In my opinion, this building will not affect the surrounding properties or cause any flooding issues. There is never any standing water on the south side of S. Little Creek Rd.

Staff Response:

The removal of this requirement may not negatively affect neighboring properties in the area as the proposed amount of impervious surface is below the highest allowance of 35% within the AC zoning district in Kent County at this time. As the property lies east of the growth zone, the subject site has a maximum of 20% coverage. Were the property inside of the growth zone overlay, the property would have a maximum coverage allowance of 30% or more, depending on the availability of central water for this area.

**4. Whether failure to remove the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to the owner's efforts to make normal improvements to the property. Economic hardship, standing alone, may justify granting an area variance and the inability to prove one's business or to stay competitive as a result of area limitations may qualify as a legitimate exceptional practical difficulty.**

Applicant Response:

Have recently acquired a Shelby Dakota, one of 1,500 made in 1979. Collector's item recently restored and need to get out of weather to retain value. At the same time, need room for mowers and other equipment. And also need an area for grandchildren to play indoors.

Staff Response:

The failure to remove the restriction for impervious surface coverage could create an exceptional practical difficulty as the addition of a detached accessory structure may be considered a normal improvement to the property. Although the property does have a smaller storage shed for some storage purposes, it may be viewed as necessary for additional storage of vehicles and/or personal belongings in today's society. Additionally, in taking into consideration the proposed placement of the structure in the rear yard area and the size of the structure, it appears that the request may be viewed as minimal. Without the approval of this request, the applicant would not be allowed to have any additional storage area on the parcel as the home and driveway with all current improvements currently places the lot at 21% coverage.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Board of Adjustment shall give considerable weight to public testimony received during the public hearing in considering its decision.

**III. APPLICATION BACKGROUND INFORMATION:**

- The applicant is seeking the above referenced variance to legalize all existing improvements and further increase the maximum impervious surface coverage from 20% to 23%.
- The applicant is seeking approval to enable the construction of a detached 20' x 26' garage.
- The site is 0.48± acres in size and is currently improved with a single-family dwelling and storage shed.
- There are no previous Board of Adjustment applications for the subject site and no similar requests on properties within the surrounding area.
- The subject site is zoned AC (Agricultural Conservation District). The Comprehensive Plan recommends that this area be utilized for low density residential purposes.
- Correspondence was received from DelDOT indicating that they have no comments pertaining to this application at this time.
- The applicant is advised that, regardless of the decision of the Board, building permits shall be obtained for all existing structures and for any new construction approved. For more information, contact the Department of Inspections and Enforcement at (302) 744-2451.

**ENC:** Exhibits A and B